



Reprinted
February 26, 2016

ENGROSSED HOUSE BILL No. 1360

DIGEST OF HB 1360 (Updated February 25, 2016 3:20 pm - DI 109)

Citations Affected: IC 25-1; IC 25-34.1.

Synopsis: Realtor continuing education. Provides that following every license renewal period, the Indiana real estate commission (commission) in consultation with the professional licensing agency may randomly audit for compliance more than 1% but less than 10% of the licensed real estate brokers required to take continuing education courses. Requires a real estate continuing education course sponsor to submit certain documentation to the commission. Adds to the conditions under which the commission may deny, suspend, or revoke approval of a course sponsor. Allows the commission to enter into an agreement with certain entities to provide an electronic continuing education tracking system.

Effective: July 1, 2016.

**Morris, Gutwein, VanNatter,
Bartlett**

(SENATE SPONSORS — BROWN L, MERRITT, RANDOLPH LONNIE M)

January 12, 2016, read first time and referred to Committee on Employment, Labor and Pensions.

January 26, 2016, reported — Do Pass.

January 28, 2016, read second time, ordered engrossed.

January 29, 2016, engrossed.

February 1, 2016, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Commerce & Technology.

February 22, 2016, reported favorably — Do Pass.

February 25, 2016, read second time, amended, ordered engrossed.

EH 1360—LS 7030/DI 109



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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1360

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-4-3, AS AMENDED BY P.L.157-2006,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 3. (a) Notwithstanding any other law, a board that
4 is specifically authorized or mandated to require continuing education
5 as a condition to renew a registration, certification, or license must
6 require a practitioner to comply with the following renewal
7 requirements:
8 (1) The practitioner shall provide the board with a sworn
9 statement executed by the practitioner that the practitioner has
10 fulfilled the continuing education requirements required by the
11 board.
12 (2) The practitioner shall retain copies of certificates of
13 completion for continuing education courses for three (3) years
14 from the end of the licensing period for which the continuing
15 education applied. The practitioner shall provide the board with
16 copies of the certificates of completion upon the board's request
17 for a compliance audit.

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(b) **This subsection does not apply to an individual licensed under IC 25-34.1.** Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

(c) **This subsection applies only to individuals licensed under IC 25-34.1.** Following every license renewal period for a broker's license issued under IC 25-34.1, the agency in consultation with the board may randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

SECTION 2. IC 25-34.1-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A continuing education sponsor that has received approval under section 12 of this chapter must maintain records for five (5) years of the participants who successfully complete and pass the course. If the sponsor ceases operations, the owner shall place the records in the care of a custodian that is approved by the commission.

(b) **A continuing education sponsor shall, not later than ten (10) days after a continuing education course is offered, submit the following to the commission:**

(1) **A completed continuing education attendance roster of all participants. The roster must include the full legal name, address of residence, and any other identifying information required by the commission of each participant. The names must be submitted to the commission in alphabetical order.**

(2) **A completed continuing education evaluation transmittal form for each of the participants.**

SECTION 3. IC 25-34.1-9-15.5, AS ADDED BY P.L.200-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.5. (a) The commission may deny, suspend, or revoke approval of any course or course sponsor if the commission determines that the course sponsor, by the act of an employee or agent, has failed to comply with the standards established in this chapter and the rules of the commission.

(b) The commission may deny, suspend, or revoke approval of any course instructor permit issued under this article if the commission determines that the instructor has failed to comply with the standards established in this chapter and the rules of the commission.

(c) **The commission may deny, suspend, or revoke approval of any course sponsor if the commission determines the course sponsor:**



1 (1) falsifies attendance information for continuing education
2 courses submitted to the commission; or

3 (2) fails to provide the commission with attendance
4 information required under section 13(b) of this chapter.

5 SECTION 4. IC 25-34.1-9-23 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2016]: Sec. 23. The commission may enter
8 into an agreement with an entity that is not a state agency or the
9 federal government to provide through electronic means a
10 continuing education tracking system. The system must provide an
11 electronic record of the continuing education courses, classes, or
12 programs completed by all individuals who are licensed under this
13 article. All the following apply to an electronic system provided
14 under this section:

15 (1) All continuing education tracking performed by the system
16 must accurately reflect the continuing education requirements
17 under this chapter.

18 (2) A confirmation of completed continuing education courses
19 required under this chapter generated by the system is
20 considered verification of completion for renewal of a license
21 or registration and for purposes of any audit of licensees or
22 registrants conducted by the commission.

23 (3) The system must provide access to an individual who is
24 licensed or registered under this article and to the commission
25 access to continuing education information about the
26 individual.

27 (4) The commission shall adopt rules under IC 4-22-2 it
28 considers appropriate or necessary to implement this section.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1360 as introduced.)

GUTWEIN

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill No. 1360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1360 as printed January 26, 2016.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0

SENATE MOTION

Madam President: I move that Engrossed House Bill 1360 be amended to read as follows:

Page 2, line 8, after "the" insert "**agency in consultation with the**".

(Reference is to EHB 1360 as printed February 23, 2016.)

BROWN L

